



2008 DEC 23 PM 4:10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: **08/ 921,060**

Group Art Unit: 1644

Confirmation No.: 9119

Examiner: R.B. Schwadron

Filed: 29 August 1997

Applicant: Darrell R. ANDERSON *et al.*

For: Therapeutic Application of Chimeric and Radiolabeled Antibodies to Human B Lymphocyte Restricted Differentiation Antigen for Treatment of B Cell Lymphoma

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 05 2009

OFFICE OF PETITIONS

SUBMISSION UNDER 37 C.F.R. § 1.28(c)

Sir:

During the pendency of this application, applicant claimed status as a small entity under § 1.27. On information and belief following reasonable inquiry of the assignee, the undersigned states that such status was established, and fees to the Office were paid, in good faith.

On review of this file and related application files, it has been discovered that small entity status in this application may have been established or maintained in error. To moot any question as to the date from which large entity fees should have been paid, applicant has determined that it is prudent to tender payment of the deficiency as specified in § 1.28(c)(2) with respect to all fees paid during the pendency of this application. Accordingly, in compliance with the requirements of § 1.28, applicant now submits payment of the deficiency owed and requests that the Office excuse the error.

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Our check for the total deficiency of **\$ 2,800** accompanies this paper. As required under § 1.28(c)(2)(ii), an itemization of the deficiency with respect to each fee that was paid is attached. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, applicant requests that the Director debit the appropriate fee(s) from our **Deposit Account No. 18-1260**.

Respectfully submitted,

/David L. Fitzgerald/

David L. Fitzgerald, Reg. No. 47,347
Attorney for Biogen Idec Inc.

22 December 2008

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ITEMIZATION UNDER § 1.28(c)(2)(ii)

| DATE | DESCRIPTION OF FEE | FEE PAID | FEE CODE ¹ | CURRENT FEE ² | DEFICIENCY |
|--------------|-------------------------|----------|-----------------------|--------------------------|------------------------|
| 97-08-29 | Filing fee | \$ 770 | 1001 | \$ 850 | (³) \$ 80 |
| 98-01-07 | EOT 1 mo. | 55 | 1251 | 130 | 75 |
| 98-01-07 | Surcharge missing parts | 65 | 1051 | 130 | 65 |
| 94-04-26 | EOT 3 mos. | 435 | 1253 | 1110 | 675 |
| 99-12-20 | EOT 2 mos. | 380 | 1252 | 490 | (³) 110 |
| 00-01-20 | Notice of appeal | 300 | 1401 | 540 | (³) 240 |
| 00-01-20 | EOT 3rd mo. | 490 | 1253 | 620 | (³) 130 |
| 00-08-09 | EOT 5 mos. | 925 | 1255 | 2350 | 1425 |
| TOTAL | | | | | \$ 2800 |

¹ Current large entity fee code.

² Current large entity fee (FY 2009 fee schedule, as revised 17 December 2008).

³ Apparently paid at higher than the effective small-entity rate.